REMARKS

In view of the comments which follow, and pursuant to 37 CFR §1.111, reconsideration of the Official Action of May 29, 2003 is respectfully requested by Applicants.

The Examiner has made currently pending claims 16-27 subject to a restriction and/or election requirement. The Examiner requires restriction under 35 USC §121 and §372 to one of the following groups of inventions:

I. Claims 16-17 drawn to a hybridoma cell line having deposit number DSM ACC 2365 and monoclonal antibody produced therefrom

II. Claims 18-21 drawn to a monoclonal antibody that binds to islet cell antigen IA-2 and method for making the same

III. Claims 22-23 drawn to a method for detecting antibody that binds to islet cell antigen IA-2 or IA-2ic

IV. Claims 24-25 drawn to a method for isolating an islet cell antigen IA-2

V. Claims 26-27 drawn to a method for producing an anti-idiotypic antibody

Election of Invention and Restriction for Examination

Applicants elect the invention of Group II, claims 18-21, for prosecution at this time, with traverse.

Traversal of Restriction Requirement

The Examiner argues that the inventions of Groups I and II-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The hybridoma cell line and monoclonal antibody of Group I is structurally, chemically, biologically and physiologically different from the monoclonal antibody of Group II, and they lack the same or corresponding special technical feature.

The methods of Groups III-V are independent from the monoclonal antibodies of Groups 1 and II because they are not disclosed as being able to detect or produce the monoclonal antibodies of Groups I and II.

The methods of Groups III, IV, and V are unrelated because they have different functions, different method steps, and different results.

Applicants respectfully disagree and traverse the Examiner's arguments. The Examiner argues firstly that the hybridoma cell line and monoclonal antibody of Group I is structurally, chemically, biologically, and physiologically different from the monoclonal antibody of Group II, and they lack the same or corresponding special technical feature. Applicants traverse and respectfully argue that the antibodies of Groups I and II are quite definitely structurally, chemically, biologically and physiologically related, for example, via their specific binding characteristics. The antibodies of both groups are monoclonal antibodies that bind specifically and in an equivalent manner to human islet cell antigen IA-2. Thus the antibodies of Groups I and II, including the cell line and method for producing same, are related so as to form a single inventive concept. The Examiner's reconsideration of the restriction of Groups I and II is respectfully requested.

Secondly, the Examiner argues that the methods of Groups III-V are independent from the monoclonal antibodies of Groups 1 and II because they are not disclosed as being able to detect or produce the monoclonal antibodies of Groups I and II. Applicants traverse and argue that the methods of Groups III-V definitely do disclose and recite that they detect, isolate, or produce the antibodies defined by the claims of Groups I and II. The claims of Group III detect an antibody binding specifically to islet cell antigen IA-2,

which are the antibodies recited in the claims of Groups I and II. The claims of Group IV recite a method for isolating islet cell antigen IA-2 using an antibody the binds specifically with islet cell antigen IA-2, which are the antibodies recited in Groups I and II. Finally, the claims of Group V recite a method for producing an antibody directed against an antibody binding specifically to human islet cell antigen IA-2, the same antibodies recited by Groups I and II.

Thus the claims of Groups III-V are related to the claims of Groups I and II so as to form a single inventive concept via their recitation of a monoclonal antibody binding specifically to human islet cell antigen IA-2. The Examiner's reconsideration of the restriction of Groups III-V from Groups I and II is respectfully requested.

Finally, the Examiner argues that the methods of Groups III, IV, and V are unrelated because they have different functions, different method steps, and different results. Applicants traverse and point out that the methods of Groups III, IV, and V are related via their recitation of a common technical feature, i.e., a monoclonal antibody that specifically binds human islet cell antigen IA-2. The method of Group III detects a monoclonal antibody that specifically binds human islet cell antigen IA-2, the method of Group IV isolates islet cell antigen IA-2 using a monoclonal antibody that specifically binds human islet cell antigen IA-2, and the method of Group V produces an antibody against a monoclonal antibody that specifically binds human islet cell antigen IA-2.

Thus the claims of Groups III, IV, and V are related so as to form a single inventive concept via their reliance upon a common technical feature, i.e., a monoclonal antibody binding specifically to human islet cell antigen IA-2. The Examiner's reconsideration of the restriction of Groups III, IV, and V is respectfully requested.

For the reasons set forth above, Applicants argue that the claims of Groups I, II, and III are linked so as to form a single general inventive concept and comprise the same or corresponding technical features. Applicants further argue that the claims of Groups

III-V are linked with those of Groups I and II so as to form a single general inventive concept and comprise the same or corresponding technical features. Even further, Applicants argue that the claims of Groups III, IV, and V are linked so as to form a single general inventive concept and comprise the same or corresponding technical features. Applicants respectfully request the Examiner's reconsideration of the restriction requirement.

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The Examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 50-0877. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

June 26, 2003

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